

IN THE DRAWINGS:

The Drawings are amended as follows:

On Drawing Sheet 1, Figures 1A-1E are amended to add the legend, "Related Art"

On Drawing Sheet 2, Figures 2A-2H are amended to add the legend, "Related Art"

On Drawing Sheet 3, Figures 3A-3G are amended to add the legend, "Related Art"

Attachment: Replacement Drawing Sheet 1 including FIGS. 1A and 1E.

Replacement Drawing Sheet 2 including FIGS. 2A and 2H.

Replacement Drawing Sheet 3 including FIGS. 3A and 3G.

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-7 are currently pending. Claims 1 and 4 are independent. Claims 1, 2, 4, and 5 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. OBJECTIONS TO THE DRAWINGS

The drawings have been amended as discussed herein above to overcome the objection to the drawings. Applicants respectfully request withdrawal of the objection to the drawings.

III. OBJECTIONS TO THE CLAIMS

Claims 1, 2, 4, and 5 were objected to for certain informalities.

Claims 1, 2, 4, and 5 have been amended herein to overcome the objection to those claims. Applicants respectfully request withdrawal of the objection to claims 1, 2, 4, and 5.

IV. REJECTIONS UNDER 35 U.S.C. §§102 AND 103

Claims 1 and 4 were rejected under 35 U.S.C. §102 as allegedly anticipated by U.S.

Patent No. 5,305,296 to Kono;

Claims 2, 3, 5, and 6 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kono in view of U.S. Patent No. 6,987,717 to Hagiwara et al. (hereinafter, merely “Hagiwara”).

Claim 1 is representative and recites, *inter alia*:

“searching a test writing area for a stand-by position that can be used for an OPC (Optimum Power Calibration) on the optical recording medium when the optical recording medium is inserted into the optical recording device;

...

stopping the optical pickup at the stand-by position until an input of a recording operation of data is received.” (emphases added)

As understood by Applicants, Kono uses multiple test areas that are associated with respective count areas and data recording areas. The count areas are searched for an available test area, which is used to test the light beam. The associated recording area is used for recording information. Abstract and col. 4, lines 38-62. However, there is no suggestion in Kono that the optical pickup is stopped at the test area until the recording operation is received.

In contrast, claim 1 recites, “searching a test writing area for a stand-by position that can be used for an OPC (Optimum Power Calibration) . . . stopping the optical pickup at the stand-by position until an input of a recording operation of data is received.”

That is, in an aspect of the present invention, a test writing area (*e.g.*, PCA: Power Calibration Area) is searched that can be used for an Optimum Power calibration (OPC). The

optical pickup is made to stand by at that position. When a recording operation is detected, an OPC operation at the standby position is performed to determine an optimum recording power P_w . Publ. App. pars. [0083]-[0086].

In relevant part, a location (the standby position) of the PCA in which the OPC operation is to be performed is determined. The optical pickup stops at the standby position. That is, the optical pickup is caused to stand by in a still state or in a stopping state at the standby position. Thus, a time required for searching the PCA can be shortened and, as soon as the user presses the recording button, the OPC operation can be performed at the same time. Publ. App. par. [0094].

The Office Action points to Kono, col. 4, lines 53-59, for the above feature of claim 1. However, at the cited location, Kono only states, “searching the plurality of test areas for one test area which is associated with the count area in which the count information is recorded . . .” There is no suggestion an optical pickup device is stopped at one test area and stands by waiting for record signal to perform test recording. Indeed, in Kono, when recording is begun, the test areas are searched for the one test area, testing is performed, and the data recorded. *Kono*, col. 4, lines 38-62 and Abstract.

The optical pickup of Kono does not locate a test position, stand still at the standby position waiting for a record signal. This is distinguishable from the present invention wherein a position in the test writing area for performing OPC is located and the optical pickup is caused to stop at that position, and, when a record signal is received, then perform the OPC.

Claim 1 is patentable over Kono because that reference does not disclose each and every element recited in the claim.

Hagiwara does not add the element missing from Kono. Thus, claim 1 is patentable over Kono and Hagiwara because those references taken alone or in combination do not teach or suggest each and every element recited in the claim.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claim 4 also believed to be patentable.

Claim 7 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kono in view of admitted prior art. Applicants do not concede the claim 7 element, “an image pick-up means to record a video signal obtained by the image pick-up means on the optical recording medium” is admitted as prior art.

The Office Action points to the Background section of the specification. First, there is no mention of an optical pickup means to record a video signal obtained by the image pick-up means . . .” Second, Applicants contend the description known as Applicants’ Background section is not necessarily prior art. There is no admission in Applicants’ specification that this Background Art is, in fact, prior art within the meaning of 35 USC 102 or 103. Nor is this description referred to as “conventional,” or “prior art” or “known to others.” Therefore, it is respectfully submitted, Applicants’ Background Art is not Admitted Prior Art.

V. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed

to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Claims 1-7 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.


Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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